

SONNENSCHN NATH & ROSENTHAL LLP  
Carole Neville  
1221 Avenue of the Americas  
New York, New York 10020  
Telephone: (212) 768-6700  
Facsimile: (212) 768-6800  
cneville@sonnenschein.com

*Attorneys for Robert C. Lapin, IRA*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (BRL)

SIPA Liquidation

**LIMITED OBJECTION TO TRUSTEE'S DETERMINATION OF CLAIM**

Robert C. Lapin, IRA hereby objects to the Notice of Trustee's Determination of Claim dated March 9, 2010 ("Determination Letter"), attached hereto as **Exhibit A**, as described herein except to the extent that the Determination Letter allowed a claim for \$312,769.34.

**BACKGROUND**

1. On or about January 11, 1999, Robert C. Lapin opened an account (Account No. 1-CM559) with Bernard L. Madoff Investment Securities LLC ("Madoff") with a distribution from his pension account. Mr. Lapin established the account as self directed Individual Retirement Account (the "Lapin IRA Account").<sup>1</sup>

2. On December 11, 2008, an action was commenced against Madoff by the Securities & Exchange Commission in the United States District Court for the Southern District of New

---

<sup>1</sup> All personal information relating to the Lapin IRA Account has been redacted for security reasons.

York. On December 15, 2008, this liquidation proceeding was commenced pursuant to the Securities Investment Protection Act (“SIPA”). *See* Order, Securities and Exchange Commission v. Madoff, No. 08-10791 (S.D.N.Y. Dec. 15, 2008) (ordering relief under SIPA and transferring proceeding to the United States Bankruptcy Court for the Southern District of New York) [Dkt. No. 4]. Irving Picard was appointed Trustee (“Trustee”), charged, *inter alia*, with overseeing the liquidation of Madoff and processing customer claims for money pursuant to SIPA. *Id.*; 15 U.S.C. § 78fff-1(a) (2009).

3. On December 23, 2008, the Court issued an Order directing the Trustee to disseminate notice and claim forms to Madoff customers and setting forth claim-filing deadlines. *See* Order [Dkt. No. 12].

4. The December 23, 2008 Order further provided that, to the extent the Trustee disagrees with the amount set forth on a customer claim form, the Trustee “shall notify such claimant by mail of his determination that the claim is disallowed, in whole or in part, **and the reason therefor . . .**” *See* Order at 6 (emphasis added) [Dkt. No. 12].

5. On or about March 13, 2009, Mr. Lapin filed a claim for the Lapin IRA Account in the amount of \$2,583,523 (the “Lapin IRA Customer Claim”), based on the November 30, 2008 statement from Madoff (the “Final Madoff Statement”). A copy of the Lapin IRA Customer Claim with the Final Madoff Statement is attached hereto as **Exhibit B**.

6. On March 1, 2010, the Court issued a decision affirming the Trustee’s net investment method for determining customer claims. That decision has been appealed, and a final resolution on the issue is pending.

7. On March 9, 2010, the Trustee sent Mr. Lapin the Determination Letter rejecting his claim in part, stating that (a) no securities were purchased for the Lapin IRA Account and (b) the

account had a positive net equity of only \$312,769 because, among other reasons, his original deposits included fictitious gains.

### **GROUND FOR OBJECTION**

8. **First Objection.** The Determination Letter fails to comply with this Court's December 23, 2008 Order, which directs the Trustee to satisfy customer claims in accordance "with the Debtor's books and records." Dec. 23, 2008 Order at 5 [Dkt. No. 12]. The Lapin IRA Customer Claim was evidenced by the Final Madoff Statement showing a final balance of \$2,583,523 and listing the securities purportedly purchased for the account, which reflects the "Debtor's books and records" and by which the Trustee is bound absent proof that the owner of the Lapin IRA Account did not have a "legitimate expectation" that the balance on the Final Madoff Statement represented his property.

9. **Second Objection.** The Trustee failed to set forth a legal basis for the position he has taken for the calculation of the claim. *See* Determination Letter. The Determination Letter:

(a) does not clearly provide "the reason" for the disallowance, as required by the Court's December 23, 2008 Order, *see* Order [Dkt. No. 12];

(b) is insufficient to rebut the prima facie validity of the Lapin IRA Customer Claim as provided in Section 502(a) of the Bankruptcy Code and Fed. R. Bankr. P. 3001(f);

(c) violates general principles of applicable law requiring that an objection to a proof of claim set forth, at a minimum, the relevant facts and legal theories upon which the objection is based, *see, e.g.,* Collier on Bankruptcy ¶ 3007.01(3) (15th ed.) ("[A]n objection to a claim should . . . meet the [pleading] standards of an answer); *In re Enron Corp.*, No. 01-16034, 2003 Bankr. LEXIS 2261, at \*25 (Bankr. S.D.N.Y. Jan. 13, 2003) (same); and

(d) includes an exhibit which purportedly calculates the money deposited less subsequent withdrawals without any supporting documentation and is completely

unsubstantiated; and to the extent the Trustee's "reconciliation" differs from the Lapin IRA Customer Claim, the Trustee should produce evidence supporting his "reconciliation."

10. **Third Objection.** The Trustee has failed to fulfill the requirement that he honor the legitimate expectations of a customer.

11. The legislative history of SIPA makes clear that Congress' intent in enacting the legislation was to protect the legitimate expectations of customers. Congressman Robert Eckhardt, (D) Texas, sponsor of amendments to SIPA to increase the amount of advance available to customers and expedite the process, commented on the purpose of the legislation as follows:

Under present law, because securities belonging to customers may have been lost, improperly hypothecated, misappropriated, *never purchased* or even stolen, it is not always possible to provide to customers that which they expect to receive, that is, securities which they maintained in their brokerage account. . . . By seeking to make customer accounts whole and returning them to customers in the form they existed on the filing date, the amendments . . . would satisfy the customers' legitimate expectations . . .

S. Rep. No. 95-763, at 2 (1978) (emphasis added).

A customer generally expects to receive *what he believes* is in his account at the time the stockbroker ceases business. But because securities may have been lost, improperly hypothecated, misappropriated, *never purchased*, or even stolen, it is not always possible to provide to customers that which they expect to receive, that is, securities which they maintained in their brokerage account . . . By seeking to make customer accounts whole and returning them to customers in the form they existed on the filing date, the amendments . . . would satisfy customers' legitimate expectations . . .

S. Rep. No. 95-763, at 2 (1978) (emphasis added).

12. The Securities Investor Protection Corporation ("SIPC") acknowledged that it was bound by the statute and the rules to satisfy the reasonable expectations of customers even when

the securities had never been purchased, in the brief it submitted to the Court of Appeals for the Second Circuit as follows:

Reasonable and legitimate expectations on the filing date are controlling even where inconsistent with transaction reality. Thus, for example, where a claimant orders a securities purchase and receives a written confirmation statement reflecting that purchase, the claimant generally has a reasonable expectation that he or she holds the securities identified in the confirmation and therefore generally is entitled to recover those securities (within the limits of SIPA) even where the purchase never actually occurred and the debtor instead converted the cash deposited by the claimant to fund that purchase . . . [T]his emphasis on the reasonable and legitimate customer expectations frequently yields much greater customer protection than would be the case if the transaction reality, not the claimants expectations, were controlling, as this court's earlier opinion in this liquidation well illustrates.

Brief of the Appellant SIPC at 23-24.

13. Based on regular statements and other communications received from Madoff, Mr. Lapin at all times reasonably believed and expected that Madoff executed such transactions and that the Lapin IRA Account actually held such securities.

14. The Trustee's position in the Madoff case is completely inconsistent with the purpose and goals of SIPA and the position that SIPC, the corporation charged with administering the Act, has taken unequivocally with respect to the treatment of customers in accordance with their reasonable expectations reflected in the communications from the broker-dealer.

15. **Fourth Objection.** The Trustee failed to set forth a legal basis for the position he has taken that he can reduce the amount of the claim by appreciation in the Lapin IRA Account or calculate the claim by counting only investment principal less withdrawals. The Court's decision affirming the Trustee's net investment method has been appealed and a final resolution

on the issue is pending, and thus, no legal basis for the method exists. The Trustee's calculation violates SIPA.

16. 15 U.S.C. § 78fff-2(b) provides that a customer's claim shall be allowed in the amount of the customer's "net equity." 15 U.S.C. § 78fff-2(b). The Trustee calculates "net equity" by reducing the principal contributed to the account less any withdrawals or appreciation, without regard to any gains reflected in the Final Madoff Statement and any prior statement delivered by Madoff to the customer. This is incorrect for the following reasons:

(a) Notwithstanding the Court's determination, the Trustee's method of calculating the customer claim is inconsistent with the language of the statute. SIPA defines a customer's net equity claim as the value of the customer's "securities positions" in the customer's account, less any amount the customer owes the debtor, as of the date of the filing of the SIPA liquidation:

The term 'net equity' means the dollar amount of the account or accounts of a customer, to be determined by –

(A) calculating the sum which would have been owed by the debtor to such customer if the debtor had liquidated, by sale or purchase on the filing date, all securities positions of such customer . . . ; minus

(B) any indebtedness of such customer to the debtor on the filing date . . .<sup>2</sup>

15 U.S.C. § 78lll(11). The Trustee's proposed formulation has no support in the language of the statute or interpreting case law and in fact, adds words and concepts to the statute which do not exist.

---

<sup>2</sup> The "indebtedness" of the customer to the debtor refers to cash or securities owed to the debtor, which is most often in the context of a customer having borrowed from the debtor on margin. *See, e.g.*, H.R. Rep. No. 95-746 at 21 (1977) (describing customers owing cash or securities to the stockbroker as "margin customers"); *Rich v. NYSE*, 522 F.2d 153, 156 (2d Cir. 1975) (noting that, under the 1970 statutory regime, when there were shortages in available securities to satisfy "net equity" claims, customers received cash for their securities "less, in the case of holders of margin accounts, amounts owed" to the broker); *In re First St. Sec. Corp.*, 34 B.R. 492, 497 (Bankr. S.D. Fla. 1983) (offsetting against claim amount of indebtedness customer owed to the debtor where unauthorized stock purchase was funded in part by borrowing on margin).

(b) Notwithstanding the Court's determination, the Trustee's method is inconsistent with the Rules promulgated under SIPA. The Series 500 Rules promulgated under SIPA by SIPC provide for the classification of claims for cash or securities in accordance with the written transaction confirmations sent by the broker-dealer to the customer. 17 C.F.R. § 300.500. Pursuant to the Rule, a customer has a claim for securities if the customer has received written confirmation that the securities have been purchased or sold for the account.

(c) Notwithstanding the Court's determination, the Trustee's method is inconsistent with the legislative history of the statute. SIPA's legislative history emphasizes Congress' intention that the statute protect customer expectations by ensuring that customers of retail brokerage firms can rely on their account statements. The Madoff statements and confirmations sent to Mr. Lapin indicated that the Lapin IRA Account owned a list of blue chip securities. It makes no difference whether the securities were ever actually purchased.

(d) The Trustee's formula is an improper and wholly inadequate measure of loss. Mr. Lapin deposited funds with Madoff in the expectation the amount would grow, the statements for the Lapin IRA Account showed such growth, and the balance on the Final Madoff Statement reflects the benefit of this bargain. In *Visconsi v. Lehman Brothers, Inc.*, No. 06-3304, 244 Fed. Appx. 708, 713-14 (6th Cir. 2007), the Court declined to set aside an arbitration award that appeared to apply an expectancy measure of damages against a successor in a Ponzi scheme case and rejected the money in / money out formula as not reflecting the expectations of the parties. *Id.* The Court explained:

Lehman's out-of-pocket theory misapprehends the harm suffered by Plaintiffs and the facts of this case. Plaintiffs gave \$21 million to Gruttadauria, not to hide under a rock or lock in a safe, but for the express purpose of investment, with a hope – indeed a reasonable expectation – that it would grow. Thus, the out-of-pocket theory, which seeks to restore to Plaintiffs only the \$21 million they originally invested less their subsequent withdrawals,

is a wholly inadequate measure of damages. Had Gruttadauria invested Plaintiffs' money as requested, their funds would have likely grown immensely, especially considering that Plaintiffs invested primarily throughout the mid-1990s, which, had they hired an honest broker . . . , would have placed their money in the stock market during one of the strongest bull markets in recent memory. In fact, the fictitious statements issued by Lehman, which were designed to track Plaintiffs' funds as if they had been properly invested, indicate that Plaintiffs' accounts would have grown to more than \$37.9 million (even accounting for the withdrawal of more than \$31.3 million). Plaintiffs thus could have reasonably believed that they were entitled to the full \$37.9 million balance shown, regardless of the amounts of their previous deposits and withdrawals.

*Id.* This applies precisely to Mr. Lapin's claim.

(e) Notwithstanding the Court's determination, the Trustee's Determination Letter is contrary to SIPC's own policies and practices, as reflected in the sworn testimony of Stephen Harbeck, SIPC's president and CEO, and its actions in similar liquidation proceedings. For example, in the New Times Securities Services Inc. ("New Times") SIPA liquidation, in the context of discussing claims filing deadlines, Harbeck acknowledged that if broker-dealer customers have been led to believe that "real existing" securities had been purchased for their accounts, then those customers are entitled to the full value of their securities positions as of the filing date, even if that value represents a substantial increase from the purported purchase price of the securities and even if the securities had never been purchased. Harbeck testified as follows:

Harbeck: [I]f you file within sixty days, you'll get the securities, without question. Whether – if they triple in value, you'll get the securities. . . . Even if they're not there.

Court: Even if they're not there.

Harbeck: Correct.

Court: In other words, if the money was diverted, converted –

Harbeck: And the securities were never purchased.



Court. Okay.

Harbeck: And if those positions triple, we will gladly give the people their securities positions.

Transcript at 37-39, *In re New Times Securities Services, Inc.*, No. 00-8178 (Bankr. E.D.N.Y. July 28, 2000).

Moreover, SIPC faced very similar circumstances in the New Times liquidation and took a very different position than it is taking in the Madoff case in support of the Trustee. There, the New Times Trustee's position on "net equity" was in full accord with SIPA, and thus directly contrary to the Trustee's position in this case. Specifically, with respect to any claims that were based on confirmations and account statements reflecting securities positions in "real" securities that could have been purchased (i.e., securities that actually existed on the public market and whose valuations were objectively and publicly verifiable by the customers), the New Times Trustee allowed all such net equity claims to the full extent of the filing date valuations of those securities, even though none of the securities identified in those records had ever, in fact, been purchased by the broker-dealer.<sup>3</sup>

(f) The Trustee's determination and the Court's determination are inconsistent with the case law. The Second Circuit's discussion of SIPC's claims processing in

---

<sup>3</sup> As with Madoff Securities and Bernard Madoff, New Times and its principal, William Goren, defrauded scores of investors by providing them with confirmations and account statements reflecting purported securities investments made on their behalf when, in fact, no such investments had been made and their money had, instead, been misappropriated for other purposes. Two of the investment opportunities Goren purported to offer were: (1) money-market funds that were entirely fictitious (the "Fictitious New Age Funds"); and (2) mutual funds that were entirely real, such as those offered by The Vanguard Group and Putnam Investments (the "Real Securities"). *See In re New Times Sec. Servs., Inc.*, 371 F.3d 68, 71-72 (2d Cir. 2004) ("*New Times I*"). Goren's was "a classic Ponzi scheme," *id.* at 72 n.2, wherein new investors' money was used to pay earlier investors.

Approximately 900 customers filed claims in the New Times liquidation: 726 for whom the "Real Securities" were purportedly purchased; 174 for whom the "Fictitious New Age Funds" were purportedly purchased. Consistent with SIPA and its legislative history, the New Times Trustee appropriately applied SIPA's net equity definition to the "Real Securities" customers' claims – meaning he paid them according to the full value of those securities positions as of the date of the liquidation filing. When challenged by "Fictitious New Age Funds" customers who had objected that they had not received the same treatment, SIPC and the New Times Trustee (with the apparent concurrence of the SEC) vigorously defended their approach in court.

*New Times*, the only case in this jurisdiction dealing with the issue in the Madoff case, further indicates that, with respect to customers who thought they were invested in listed securities, SIPC properly paid customer claims based on the customers' final account statements, even where the securities had never been purchased:

Meanwhile, investors who were misled . . . to believe that they were investing in mutual funds that in reality existed were treated much more favorably. Although they were not actually invested in those real funds – because Goren never executed the transactions – the information that these claimants received on their account statements mirrored what would have happened had the given transaction been executed. As a result, the Trustee deemed those customers' claims to be "securities claims" eligible to receive up to \$500,000 in SIPC advances. The Trustee indicates that this disparate treatment was justified because he could purchase real, existing securities to satisfy such securities claims. Furthermore, the Trustee notes that, if they were checking on their mutual funds, the "securities claimants," . . . could have confirmed the existence of those funds and tracked the funds' performance against Goren's account statements.

*In re New Times Secs. Servs.*, 371 F.3d 68, 74 (2d Cir. 2004); *see also* Brief of Appellant SIPC at 23-24, *In re New Times Sec. Servs., Inc.*, No. 05-5527 (Dec. 30, 2005):

[R]easonable and legitimate claimant expectations on the filing date are controlling even where inconsistent with transactional reality. Thus, for example, where a claimant orders a securities purchase and receives a written confirmation statement reflecting that purchase, the claimant generally has a reasonable expectation that he or she holds the securities identified in the confirmation and therefore generally is entitled to recover those securities (within the limits imposed by SIPA), even where the purchase never actually occurred and the debtor instead converted the cash deposited by the claimant to fund that purchase. . . . [T]his emphasis on reasonable and legitimate claimant expectations frequently yields much greater 'customer' protection than would be the case if transactional reality, not claimant expectations, were controlling, as this Court's earlier opinion in this liquidation well illustrates.

(g) The Trustee's position in the Madoff case is contradicted, not only by SIPC's prior treatment of customers in the *New Times* case, but also by a statement that SIPC's

general counsel, Josephine Wang, gave to the press on December 16, 2008 wherein Ms. Wang acknowledged that a Madoff customer is entitled to the securities in his account:

Based on a conversation with the SIPC general counsel, Josephine Wang, if clients were presented statements and had reason to believe that the securities were in fact owned, the SIPC will be required to buy these securities in the open market to make the customer whole up to \$500K each. So if Madoff client number 1234 was given a statement showing they owned 1000 GOOG shares, even if a transaction never took place, the SIPC has to buy and replace the 1000 GOOG shares.

December 16, 2008 Insiders' Blog, [www.occ.treas.gov/ftp/alert/2008-37.html](http://www.occ.treas.gov/ftp/alert/2008-37.html).

(h) The Trustee's methodology also conflicts with other federal laws. For example, Rev. Proc.2009-20, issued by Commissioner Shulman on March 17, 2009, expressly recognizes the income earned by customers, on which they paid taxes annually. Yet the Trustee's position is that the income earned by customers on their investments is not their money. In addition, some customers were required to take distribution from their retirement accounts. Yet the Trustee is deducting from their customer claim the mandatory withdrawals that the customers were required by law to take. Moreover, pension distributions are protected under federal and state law, yet the Trustee reduces or disallows such distributions.

17. In sum, the Trustee has created his own definition of "net equity." The procedure is designed not for the benefit of Madoff victims but rather so that the Trustee can avoid paying SIPC insurance to the thousands of Madoff investors who, like Mr. Lapin, have depended upon their Madoff investments for their current and future living expenses.

18. **Fifth Objection.** The Trustee's action in reducing the amount shown on the Lapin IRA Customer Claim by any prior gains reflected on the Final Madoff Statement or on any prior statements is an attempt to avoid such gains without alleging any grounds for avoidance or proving that such gains are avoidable under the Bankruptcy Code's avoidance provisions. Any

such disallowance is improper and unjustified, and the Determination Letter should be stricken on that ground alone. *See* Fed. R. Bankr. P. 7001(1) & 7008.

19. **Sixth Objection.** SIPA provides that (a) SIPC shall pay the first \$500,000 of each customer claim, and (b) customers have an unsecured claim against customer property for the balance of their claims which is paid pro rata with other customers. *See* 15 U.S.C. § 78fff-3(a) (“In order to provide for prompt payment and satisfaction of net equity claims of customers of debtor, SIPC shall advance to the trustee [up to] \$500,000 for each customer, as may be required to pay . . . claims.”); 15 U.S.C. § 78fff-2(c)(1)(B) (providing that customers of the debtor “shall share ratably in . . . customer property on the basis and to the extent of their net equities”). As evidenced by the Lapin IRA Customer Claim, Mr. Lapin has a valid claim in the amount of \$2,583,523. Therefore, Mr. Lapin is entitled to an advance of \$500,000 and a claim against customer property for the remainder.

20. **Seventh Objection.** The Lapin IRA Account was established pursuant to the Employee Retirement Income Security Act of 1974 (“ERISA”), 29 U.S.C. § 1001 *et seq.*, whose provisions preempt state fraudulent conveyance law, upon which the Trustee presumably relies pursuant to 11 U.S.C. § 544 to reduce the account balance. *See* 29 U.S.C. § 1144(a) (the provisions of ERISA “shall supersede any and all state laws insofar as they may now or hereafter relate to any employee benefit plan described in section [1003(a)] . . .”).

As evidence of Congressional intent to protect ERISA-qualified plans, the Bankruptcy Code was amended in 2005 to protect such plans from the claims of creditors. 11 U.S.C. § 541(b)(7)(a)(i)(I) (exempting from property of the estate “any amount withheld by an employer from the wages of employees for payment as contributions to an employee benefit plan that is subject to Title I of the Employee Retirement Income Security Act of 1974 . . .”). *See also*, *Patterson v. Shumate*, 504 U.S. 753 (1992) (holding that debtor’s interest in an ERISA-qualified

pension plan may be excluded from the property of the bankruptcy estate pursuant to 11 U.S.C. § 541(c)(2)).

Moreover, any withdrawals from the account are required by other non bankruptcy law. Accordingly, to reduce the Lapin IRA Account balance by mandatory withdrawals is both improper and inequitable. The Trustee's reduction or disallowance of the amount deposited from Mr. Lapin's pension account is also prohibited by applicable federal law.

21. **Eighth Objection.** The Lapin IRA Account was established as an individual retirement, which under the state laws where the account was established and administered, are exempt from judgment and the Trustee's efforts to reduce the amounts due in the account under any theory. These state laws protect the funds in the Lapin IRA Account from recovery by a trustee, and the Trustee's reduction of the funds is in violation of state law. The Trustee's reduction or disallowance of the amount deposited from Mr. Lapin's prior pension account is also prohibited by applicable state law.

22. **Ninth Objection.** The disallowance of the transfer from Mr. Lapin's pension account to Mr. Lapin's IRA is also barred by the statute of limitation since it occurred more than six years prior to the filing of the petition.

23. **Tenth Objection.** The disallowance of the transfer from Mr. Lapin's pension account to Mr. Lapin's IRA Account is improper because Mr. Lapin took the transfer from his pension account for value and without any knowledge of Madoff's fraud.

24. **Alternate Considerations.** In the event that the Court should determine that customer claims should not be allowed in the amount of the Final Madoff Statement, then in the alternative, the customer is entitled to recover interest or appreciation on the investments based upon the following:

(a) Under New York law, which is applicable here, funds deposited with Madoff under these circumstances are entitled to interest. *See, e.g.*, N.Y. C.P.L.R. § 5004; N.Y. Gen. Oblig. § 5-501, *et seq.* Accordingly, the Lapin IRA Customer Claim should be recalculated by adding interest to all funds deposited.

(b) Under New York law, which is applicable here, customers are entitled to any returns Madoff earned on the deposited funds under principles of unjust enrichment. Accordingly, customer claims should be recalculated by adding the amounts earned by Madoff on the customer's deposits. *See, e.g., Steinberg v. Herman*, No. 07-1001, 2008 U.S. Dist. LEXIS 35786, at \*14-15 (S.D.N.Y. May 2, 2008) ("Causes of action such as . . . conversion and unjust enrichment qualify for the recovery of prejudgment interest."); *Eighteen Holding Corp. v. Drizin*, 701 N.Y.S.2d 427, 428 (1st Dep't 2000) (awarding prejudgment interest on claims for unjust enrichment and conversion).

(c) Mr. Lapin is entitled to interest on his investment under federal securities laws. In *Randall v. Loftsgaarden*, 478 U.S. 647 (1986), the Supreme Court analyzed the different measures of recovery of "actual damages" for fraud, primarily including rescission and restitution. The *Randall* Court concluded that Congress intended to deter wrongdoers, and hence, that wide latitude in choosing the measure of damages was warranted. *See id.* at 664 (citing *Affiliated Ute Citizens of Utah v. United States*, 406 U.S. 128, 151, 92 S.Ct. 1456, 31 L.Ed.2d 741 (1972)). The *Randall* Court continued by holding that:

This deterrent purpose is ill-served by a too rigid insistence on limiting plaintiffs to recovery of their "net economic loss."

*Id.* at 664 (citing *Salcer v. Envicon Equities Corp.*, 744 F.2d 935, 940 (2d Cir. 1984)).

### **RESERVATION OF RIGHTS**

25. The Lapin IRA Account reserves the right to revise, supplement, or amend this Objection, and any failure to object on a particular ground or grounds shall not be construed as a waiver of its right to object on any additional grounds.

26. The Lapin IRA Account reserves all rights set forth in Rule 9014, including, without limitation, rights of discovery. *See* Fed. R. Bankr. P. 9014.

27. The Lapin IRA Account reserves all objections as to the competence, relevance, materiality, privilege, or admissibility of evidence in any subsequent proceeding or trial of this or any other action for any purpose whatsoever.

### **RELIEF REQUESTED**

For the reasons stated herein, the Lapin IRA Customer Claim should be allowed in its entirety in the amount of \$2,583,523, which is the amount reflected on the Final Madoff Statement, plus interest from the date of the Determination Letter.

For the reasons stated herein, the Court should direct SIPC to immediately replace \$500,000 of the securities in the Lapin IRA Account based upon the values reflected on the Final Madoff Statement and/or immediately forward the Lapin IRA Account a \$500,000 advance from the SIPC Fund.

For the reasons stated herein, the Determination Letter should be stricken.

The Lapin IRA Account requests such other relief as may be just and equitable.

Dated: April 6, 2010

SONNENSCHN NATH & ROSENTHAL LLP

By: /s/ Carole Neville  
Carole Neville  
1221 Avenue of the Americas  
New York, New York 10020  
Telephone: (212) 768-6700  
Facsimile: (212) 768-6800

*Attorneys for Robert C. Lapin, IRA*



**CERTIFICATE OF SERVICE**

I, Carole Neville, hereby certify that on April 6, 2010 I caused a true and correct copy of the foregoing **Objection to Trustee's Determination of Claim** on behalf of Robert C. Lapin, IRA to be filed electronically with the Court and served upon the parties in this action who receive electronic service through CM/ECF, and served by hand upon:

David J. Heehan, Esq.  
Baker & Hostetler LLP  
45 Rockefeller Plaza  
New York, NY 10111

Dated: April 6, 2010

/s/ Carole Neville  
Carole Neville

**Exhibit A**

**(Determination Letter)**

BERNARD L. MADOFF INVESTMENT SECURITIES LLC

COPY

In Liquidation

DECEMBER 11, 2008<sup>1</sup>

NOTICE OF TRUSTEE'S DETERMINATION OF CLAIM

March 9, 2010

Robert C. Lapin (IRA)

REDACTED

Dear Robert C. Lapin (IRA):

PLEASE READ THIS NOTICE CAREFULLY.

The liquidation of the business of BERNARD L. MADOFF INVESTMENT SECURITIES LLC ("BLMIS") is being conducted by Irving H. Picard, Trustee under the Securities Investor Protection Act, 15 U.S.C. § 78aaa et seq. ("SIPA"), pursuant to an order entered on December 15, 2008 by the United States District Court for the Southern District of New York.

The Trustee has made the following determination regarding your claim on BLMIS Account No. 1CM559 designated as Claim Number 007051:

Your claim for securities is **DENIED**. No securities were ever purchased for your account.

Your claim is **ALLOWED** for \$312,769.34, which was the balance in your BLMIS Account on the Filing Date based on the amount of money you deposited with BLMIS for the purchase of securities, less subsequent withdrawals, as outlined in Table 1.

As reflected in Table 1, certain of the transfers into or out of your account have been adjusted. As part of the Trustee's analysis of accounts, the Trustee has assessed accounts based on a money in/money out analysis (i.e., has the investor deposited more or less than he or she withdrew from BLMIS). This analysis allows the Trustee to determine which part of an account's balance is originally invested principal and which part is fictitious gains that were fabricated by BLMIS. A customer's allowed claim is based on the amount of principal in the customer's account.

---

<sup>1</sup> Section 7811(7)(B) of SIPA states that the filing date is "the date on which an application for a protective decree is filed under 78eee(a)(3)," except where the debtor is the subject of a proceeding pending before a United States court "in which a receiver, trustee, or liquidator for such debtor has been appointed and such proceeding was commenced before the date on which such application was filed, the term 'filing date' means the date on which such proceeding was commenced." Section 7811(7)(B). Thus, even though the Application for a protective decree was filed on December 15, 2008, the Filing Date in this action is on December 11, 2008.

COPY

Whenever a customer requested a transfer from one account to another, the Trustee analyzed whether the transferor account had principal in the account at the time of the transfer. The available principal in the account was transferred to and credited in the transferee account. Thus, the reason that the adjusted amount of transferred deposits or withdrawals in Table 1 is less than the purported transfer amount is that the transferor account did not have sufficient principal available to effectuate the full transfer. The difference between the purported transfer amount and the adjusted transfer amount is the amount of fictitious gain that was transferred to or from your account. Under the money in/money out analysis, the Trustee does not give credit for fictitious gains in setting your allowed claim.

Your **ALLOWED CLAIM** of \$312,769.34 will be satisfied in the following manner:

The enclosed **ASSIGNMENT AND RELEASE** must be executed, notarized and returned in the envelope provided herewith. You also should provide the name of the custodian for your IRA. Upon receipt of the executed and notarized **ASSIGNMENT AND RELEASE**, and designation of your IRA custodian the Trustee will fully satisfy your **ALLOWED CLAIM** by sending you a check in the amount of \$312,769.34, with the funds being advanced by Securities Investor Protection Corporation pursuant to section 78fff-3(a)(1) of SIPA.

On March 1, 2010, the United States Bankruptcy Court for the Southern District of New York (Lifland, J.) issued a decision which affirmed the Trustee's Net Investment Method for determining customer claims. The final resolution of this issue is expected to be determined on appeal.

Should a final and unappealable court order determine that the Trustee is incorrect in his interpretation of "net equity" and its corresponding application to the determination of customer claims, the Trustee will be bound by that order and will apply it retroactively to all previously determined customer claims in accordance with the Court's order. Nothing in this Notice of Trustee's Determination of Claim shall be construed as a waiver of any rights or claims held by you in having your customer claim re-determined in accordance with any such Court order.

**PLEASE TAKE NOTICE:** If you disagree with this determination and desire a hearing before Bankruptcy Judge Burton R. Lifland, you **MUST** file your written opposition, setting forth the grounds for your disagreement, referencing Bankruptcy Case No. 08-1789 (BRL) and attaching copies of any documents in support of your position, with the United States Bankruptcy Court and the Trustee within **THIRTY DAYS** after March 9, 2010, the date on which the Trustee mailed this notice.

**PLEASE TAKE FURTHER NOTICE:** If you do not properly and timely file a written opposition, the Trustee's determination with respect to your claim will be deemed confirmed by the Court and binding on you.

**PLEASE TAKE FURTHER NOTICE:** If you properly and timely file a written opposition, a hearing date for this controversy will be obtained by the Trustee and you will be notified of that hearing date. Your failure to appear personally or through counsel at such hearing will result in the Trustee's determination with respect to your claim being confirmed by the Court and binding on you.


COPY

**PLEASE TAKE FURTHER NOTICE:** You must mail your opposition, if any, in accordance with the above procedure, to each of the following addresses:

Clerk of the United States Bankruptcy Court for  
the Southern District of New York  
One Bowling Green  
New York, New York 10004

and

Irving H. Picard, Trustee  
c/o Baker & Hostetler LLP  
45 Rockefeller Plaza  
New York, New York 10111



Irving H. Picard

Trustee for the Liquidation of the Business of  
Bernard L. Madoff Investment Securities LLC

cc: TD Ameritrade FBO Robert C. Lapin (IRA)  
4 Sutton Place  
Boynton Beach FL 33436

Carole Neville  
Sonnenschein Nath & Rosenthal LLP  
1221 Avenue of the Americas, 25th Floor  
New York NY 10020

COPY

- Table 1 -			
DEPOSITS			
DATE	TRANSACTION DESCRIPTION	AMOUNT	ADJUSTED AMOUNT
1/11/1999	TRANS FROM 1CM10730	\$611,258.66	\$293,114.68
11/7/2000	CHECK WIRE	\$159,558.56	\$159,558.56
5/11/2001	CHECK	\$66.10	\$66.10
6/11/2001	CHECK	\$132,896.35	\$132,896.35
8/13/2001	CHECK	\$37.08	\$37.08
8/5/2003	CHECK	\$4,441.18	\$4,441.18
2/1/2005	CHECK WIRE	\$112,377.58	\$112,377.58
5/5/2005	CHECK WIRE	\$4,273.73	\$4,273.73
5/5/2005	CHECK WIRE	\$4,273.47	\$4,273.47
5/5/2005	CXL C&S	(\$4,273.73)	(\$4,273.73)
<b>Total Deposits:</b>		\$1,024,908.98	\$706,765.00
WITHDRAWALS			
DATE	TRANSACTION DESCRIPTION	AMOUNT	ADJUSTED AMOUNT
12/8/2005	CHECK	(\$84,119.75)	(\$84,119.75)
11/14/2006	CHECK	(\$91,395.90)	(\$91,395.90)
7/20/2007	CHECK	(\$50,000.00)	(\$50,000.00)
12/18/2007	CHECK	(\$53,333.12)	(\$53,333.12)
12/3/2008	CHECK	(\$115,146.89)	(\$115,146.89)
<b>Total Withdrawals:</b>		(\$393,995.66)	(\$393,995.66)
<b>Total deposits less withdrawals:</b>		\$630,913.32	\$312,769.34

**Exhibit B**

**(Lapin IRA Customer Claim)**

COPY

CUSTOMER CLAIM

Claim Number \_\_\_\_\_

Date Received \_\_\_\_\_

BERNARD L. MADOFF INVESTMENT SECURITIES LLC

In Liquidation

RECEIVED

MAR 13 2009

DECEMBER 11, 2008

Irving H. Picard, Esq.  
Trustee for Bernard L. Madoff Investment Securities LLC  
Claims Processing Center  
2100 McKinney Ave., Suite 800  
Dallas, TX 75201

Provide your office and home telephone no.

OFFICE: (212) 768-6889

HOME: \_\_\_\_\_

Taxpayer I.D. Number (Social Security No.)  
\_\_\_\_\_



Account Number: 1CM559

ROBERT C. LAPIN IRA  
ROBERT LAPIN

REDACTED

(If incorrect, please change)

NOTE: BEFORE COMPLETING THIS CLAIM FORM, BE SURE TO READ CAREFULLY THE ACCOMPANYING INSTRUCTION SHEET. A SEPARATE CLAIM FORM SHOULD BE FILED FOR EACH ACCOUNT AND, TO RECEIVE THE FULL PROTECTION AFFORDED UNDER SIPA, ALL CUSTOMER CLAIMS MUST BE RECEIVED BY THE TRUSTEE ON OR BEFORE March 4, 2009. CLAIMS RECEIVED AFTER THAT DATE, BUT ON OR BEFORE July 2, 2009, WILL BE SUBJECT TO DELAYED PROCESSING AND TO BEING SATISFIED ON TERMS LESS FAVORABLE TO THE CLAIMANT. PLEASE SEND YOUR CLAIM FORM BY CERTIFIED MAIL - RETURN RECEIPT REQUESTED.

\*\*\*\*\*

1. Claim for money balances as of **December 11, 2008**:
- a. The Broker owes me a Credit (Cr.) Balance of \$ \_\_\_\_\_
- b. I owe the Broker a Debit (Dr.) Balance of \$ \_\_\_\_\_



c. If you wish to repay the Debit Balance,  
please insert the amount you wish to repay and  
attach a check payable to "Irving H. Picard, Esq.,  
Trustee for Bernard L. Madoff Investment Securities LLC."  
If you wish to make a payment, **it must be enclosed**  
with this claim form. \$ \_\_\_\_\_

d. If balance is zero, insert "None." \_\_\_\_\_ NONE \_\_\_\_\_

2. Claim for securities as of **December 11, 2008**:

**PLEASE DO NOT CLAIM ANY SECURITIES YOU HAVE IN YOUR POSSESSION.**

	YES _____	NO _____
a. The Broker owes me securities	✓ _____	_____ _____
b. I owe the Broker securities	_____ _____	✓ _____
c. If yes to either, please list below:		

Date of Transaction (trade date)	Name of Security	The Broker Owes Me (Long)	I Owe the Broker (Short)
		Number of Shares or Face Amount of Bonds	
	SEE STATEMENT DATED NOVEMBER 30, 2008	✓ _____	_____ _____
	Net Balance: \$2,583,523	_____ _____	_____ _____
_____	_____	_____ _____	_____ _____
_____	_____	_____ _____	_____ _____
_____	_____	_____ _____	_____ _____
_____	_____	_____ _____	_____ _____

Proper documentation can speed the review, allowance and satisfaction of your claim and shorten the time required to deliver your securities and cash to you. Please enclose, if possible, copies of your last account statement and purchase or sale confirmations and checks which relate to the securities or cash you claim, and any other documentation, such as correspondence, which you believe will be of assistance in processing your claim. In particular, you should provide all documentation (such as cancelled checks, receipts from the Debtor, proof of wire transfers, etc.) of your deposits of cash or securities with the Debtor from as far back as you have documentation. You should also provide all documentation or

information regarding any withdrawals you have ever made or payments received from the Debtor.

Please explain any differences between the securities or cash claimed and the cash balance and securities positions on your last account statement. If, at any time, you complained in writing about the handling of your account to any person or entity or regulatory authority, and the complaint relates to the cash and/or securities that you are now seeking, please be sure to provide with your claim copies of the complaint and all related correspondence, as well as copies of any replies that you received.

**PLEASE CHECK THE APPROPRIATE ANSWER FOR ITEMS 3 THROUGH 9.**

**NOTE: IF "YES" IS MARKED ON ANY ITEM, PROVIDE A DETAILED EXPLANATION ON A SIGNED ATTACHMENT. IF SUFFICIENT DETAILS ARE NOT PROVIDED, THIS CLAIM FORM WILL BE RETURNED FOR YOUR COMPLETION.**

- |   | <u>YES</u> | <u>NO</u> |
|---|------------|-----------|
| 3. Has there been any change in your account since December 11, 2008? If so, please explain.  | _____      | _____✓    |
| 4. Are you or were you a director, officer, partner, shareholder, lender to or capital contributor of the broker?   | _____      | _____✓    |
| 5. Are or were you a person who, directly or indirectly and through agreement or otherwise, exercised or had the power to exercise a controlling influence over the management or policies of the broker? | _____      | _____✓    |
| 6. Are you related to, or do you have any business venture with, any of the persons specified in "4" above, or any employee or other person associated in any way with the broker? If so, give name(s)    | _____      | _____✓    |
| 7. Is this claim being filed by or on behalf of a broker or dealer or a bank? If so, provide documentation with respect to each public customer on whose behalf you are claiming.                         | _____      | _____✓    |
| 8. Have you ever given any discretionary authority to any person to execute securities transactions with or through the broker on your behalf? Give names, addresses and phone numbers.                   | _____      | _____✓    |

9. Have you or any member of your family ever filed a claim under the Securities Investor Protection Act of 1970? if so, give name of that broker. \_\_\_\_\_ ✓

Please list the full name and address of anyone assisting you in the preparation of this claim form: Carole Neville, Sonnenschein Nath & Rosenthal LLP, 1221 Avenue of the Americas, 25<sup>th</sup> Floor, New York, NY 10020.

If you cannot compute the amount of your claim, you may file an estimated claim. In that case, please indicate your claim is an estimated claim.

**IT IS A VIOLATION OF FEDERAL LAW TO FILE A FRAUDULENT CLAIM. CONVICTION CAN RESULT IN A FINE OF NOT MORE THAN \$50,000 OR IMPRISONMENT FOR NOT MORE THAN FIVE YEARS OR BOTH.**

**THE FOREGOING CLAIM IS TRUE AND ACCURATE TO THE BEST OF MY INFORMATION AND BELIEF. \***

Date 3/10/09 Signature \_\_\_\_\_

Date 3/10/09 Signature \_\_\_\_\_

(If ownership of the account is shared, all must sign above. Give each owner's name, address, phone number, and extent of ownership on a signed separate sheet. If other than a personal account, e.g., corporate, trustee, custodian, etc., also state your capacity and authority. Please supply the trust agreement or other proof of authority.)

**This customer claim form must be completed and mailed promptly, together with supporting documentation, etc. to:**

Irving H. Picard, Esq.,  
Trustee for Bernard L. Madoff Investment Securities LLC  
Claims Processing Center  
2100 McKinney Ave., Suite 800  
Dallas, TX 75201

\* This customer form includes and incorporates in full the attached Addendum. Customer reserves the right to amend the form for any purpose, including, without limitation, to include interest, taxes and other costs related to this account. Social security number withheld based upon concern about identity theft. Information available on request.

CLAIM ADDENDUM

Customer: Robert C. Lapin IRA  
Robert Lapin

Address:

REDACTED

Account #: 1-CM559-3  
1-CM559-4

Document index:<sup>1</sup>

1. Statement dated November 30, 2008
2. Investment Documents
  - a. IRA Statement dated March 31, 1999  
(initial investment) \$611,258.66
  - b. IRA Statement dated December 31, 2000 \$159,558.56
  - c. Check confirmation dated June 11, 2001 \$132,896.35
  - d. Check confirmation dated August 13, 2001 \$37.08
  - e. Check confirmation dated August 5, 2003 \$4,441.18
  - f. Wire Instructions requesting transfer to Madoff  
dated January 20, 2005 \$112,377.58  
Check confirmation dated February 1, 2005  
Madoff Account Statement dated February 28, 2005
  - g. Wire confirmation dated May 5, 2005 \$4,273.47  
Madoff Account Statement dated May 31, 2005
3. Transfer Documents
  - a. IRA Statement dated December 31, 2005 (\$84,119.75)  
Madoff Account Statement dated December 31, 2005
  - b. Madoff Account Statement dated November 30, 2006 (\$91,395.90)  
IRA Account Statement dated December 31, 2006
  - c. Madoff Account Statement dated July 31, 2007 (\$50,000.00)

---

<sup>1</sup> Note that certain documents containing personal information of the claimant or related parties have been redacted for the protection and privacy of the claimant and/or such related parties.

- |   |                |
|---|----------------|
| d. Madoff Account Statement dated December 31, 2007 | (\$53,333.12)  |
| e. IRA Statement dated December 31, 2008            | (\$115,146.89) |

Total Investments: \$1,024,842.88

Total Transfers: (\$ 393,995.66)

**STATEMENT DATED NOVEMBER 30, 2008**

Affiliated with  
Madoff Securities International Limited  
12 Berkeley Street  
Manhasset Neck, New York 11040  
Tel: 476 7401 6222

885 Third Avenue  
New York, NY 10022  
(212) 230-2424  
800 334-1343  
Fax (212) 838-1061

**BERNARD L. MADOFF**  
INVESTMENT SECURITIES LLC  
New York London

\*\*DUPLICATE\*\* FOR ACCOUNT NYC & CO.  
ROBERT C LAPIN

**REDACTED**

PERIOD ENDING: 11/30/01  
YOUR ACCOUNT NUMBER: 1-C4557-3-0  
YOUR TAX PAYER IDENTIFICATION NUMBER: 6-6-6-6-6-6  
PAGE: 1

DATE	BOUGHT RECEIVED	SOLD DELIVERED	TIN	DESCRIPTION	PRICE OR SYMBOL	AMOUNT DEBITED TO YOUR ACCOUNT	AMOUNT CREDITED TO YOUR ACCOUNT
11/12	1,430		2523	BALANCE FORWARD		173,457.65	
11/12	935		3025	WAL-MART STORES INC	85.430	79,823.90	
11/12	3,465		6849	INTERNATIONAL BUSINESS MACHS	87.370	31,634.45	
11/12	3,775		7351	EXXON MOBILE CORP	72.390	272,657.20	
11/12	1,815		11577	INTEL CORP	14.310	55,215.45	
11/12	2,475		16003	JOHNSON & JOHNSON	59.530	108,203.70	
11/12	1,320		20328	J.P. MORGAN CHASE & CO	38.530	95,467.75	
11/12	770		24654	COCA COLA CO	44.560	52,003.20	
11/12	1,430		28780	MCDEVALTS CORP	55.370	42,664.00	
11/12	5,225		33306	MERCK & CO	28.550	40,883.50	
11/12	2,540		37612	MICROSOFT CORP	21.810	114,154.25	
11/12	1,045		50610	ORACLE CORPORATION	17.300	45,777.00	
11/12	605		51112	PERSICO INC	56.410	58,923.45	
11/12	4,455		54936	APPLE INC	100.780	60,995.90	
11/12	1,045		35438	PEIZER INC	16.940	75,545.70	
11/12	1,290		39262	ABBOTT LABORATORIES	54.410	57,103.45	
11/12	715		59754	PRCTER & GAMBLE CO	64.040	125,937.40	
11/12	1,375		63588	AMGEN INC	59.160	42,327.40	
11/12	3,300		54070	PHILLIP MORRIS INTERNATIONAL	43.500	50,005.00	
11/12	1,100		57314	BANK OF AMERICA	71.530	71,372.00	
11/12	3,575		59416	DUALCOM INC	32.770	37,171.00	
11/12	825		72240	CITY GROUP INC	12.510	44,855.25	
11/12	1,290		72742	SCHLUMBERGER LTD	49.430	40,854.00	
11/12				COMCAST CORP	16.310	32,753.80	
11/12				CL A			
11/12				CONTINUED ON PAGE 2			

Affiliated with  
Maddoff Securities International Limited  
12 Berkeley Street  
Mayfair, London W1J 8BT  
Tel: 020 7493 6222

885 Third Avenue  
New York, NY 10022  
(212) 230-2424  
800 334-1343  
Fax (212) 838-4061

**BERNARD L. MADDOFF**  
INVESTMENT SECURITIES LLC  
New York □ London

\*\*DUPLICATE\*\* FOR ACCOUNT NTC 5 07.  
ROBERT C LAPIN

PERIOD ENDING 11/30/09  
YOUR ACCOUNT NUMBER 1-04550-7-0  
YOUR TAX PAYER IDENTIFICATION NUMBER \*\*\*\*\*  
PAGE 7

**REDACTED**

DATE	BOUGHT RECEIVED	SOLD DELIVERED	TRN	DESCRIPTION	PRICE OR SYMBOL	AMOUNT DEBITED TO YOUR ACCOUNT	AMOUNT CREDITED TO YOUR ACCOUNT
11/12	3,905		76565	AT&T INC	27	105,591.00	
11/12	990		77058	CONROPHILIPS	52.510	52,023.90	
11/12	660		90892	UNITED PARCEL SVC INC	52.040	34,372.60	
11/12	4,015		81324	CLASS R			
11/12	1,155		81324	CISCO SYSTEMS INC	16.730	67,330.05	
11/12	1,375		85218	U S BANCORP	29.530	34,153.15	
11/12	560		85720	CHEVRON CORP	73.430	101,021.25	
11/12	6,985		99544	UNITED TECHNOLOGIES CORP	53.160	37,111.60	
11/12	1,870		90046	GENERAL ELECTRIC CO	18.630	137,394.55	
11/12	165		93870	VERIZON COMMUNICATIONS	30.410	56,940.70	
11/12	2,310		94372	GOOGLE	337.400	55,577.00	
11/12	1,650		98195	WELLS FARGO & CO NEW	29.800	59,919.00	
11/12		2,475,000	28698	HEWLETT PACKARD CO	34.900	57,651.00	2,473,416.00
11/12			20909	U S TREASURY BILL DUE 2/12/2009	99.935		
11/12				2/12/2009			
11/12				FIDELITY SPARTAN	DIV		73.33
11/12		61,339		U S TREASURY MONEY MARKET			
11/12			15907	DIV 11/12/08	1		41,339.00
11/12				FIDELITY SPARTAN			
11/12				U S TREASURY MONEY MARKET			
11/12			25275	FIDELITY SPARTAN	1	22,304.00	
11/12	35,854			U S TREASURY MONEY MARKET			
11/12				FIDELITY SPARTAN			
11/12				U S TREASURY MONEY MARKET			
11/12				FIDELITY SPARTAN			
11/12				U S TREASURY MONEY MARKET			
11/12				DIV 11/12/08			6.00
11/12				CONTINUED ON PAGE 3			



Affiliated with  
Maddoff Securities International Limited  
13 Berkeley Street  
London W11 1BT  
Tel: 020 7193 6222

885 Third Avenue  
New York, NY 10022  
(212) 230-2424  
800 334-1313  
Fax (212) 838-4061

**BERNARD L. MADOFF**  
INVESTMENT SECURITIES LLC  
New York, NY, London

••DUPLICATE•• FOR ACCOUNT NYC & CO.  
ROBERT C LAPIN

PERIOD ENDING  
11/11/00

YOUR ACCOUNT NUMBER  
1-CM553-2-1

PAGE  
3

YOUR TAX PAYER IDENTIFICATION NUMBER  
\*\*\*\*\*

**REDACTED**

DATE	BOUGHT RECEIVED	SOLD DELIVERED	TRN	DESCRIPTION	PRICE OR SYMBOL	AMOUNT DEBITED TO YOUR ACCOUNT	AMOUNT CREDITED TO YOUR ACCOUNT
11/19		30,954	50738	FIDELITY SPARTAN			30,954.00
11/19	175,000		55172	U S TREASURY MONEY MARKET	99.226	174,870.50	
				U S TREASURY BILL			
				DUE 03/26/2000			
11/19	22,750		59377	FIDELITY SPARTAN	1	22,751.00	
				U S TREASURY MONEY MARKET			
				NEW BALANCE		307,137.97	
				SECURITY POSITIONS			
	3,905			AT&T INC	MKT PRICE		
	1,045			ABBOTT LABORATORIES	28.560		
	715			AMGEN INC	32.390		
	605			APPLS INC	65.540		
	3,300			BANK OF AMERICA	92.670		
	1,375			CHEVRON CORP	16.750		
	4,015			CISCO SYSTEMS INC	79.010		
	3,575			CITI GROUP INC	16.540		
	1,320			COCA COLA CO	8.290		
	1,230			COMCAST CORP	46.970		
				EL A	17.340		
	990			CONOCO PHILIPS	52.520		
	3,465			EXXON MOBIL CORP	90.150		
	6,305			GENERAL ELECTRIC CO	17.170		
				CONTINUED ON PAGE 4			

Affiliated with  
Madoff Securities International Limited  
12 Berkeley Street  
Madison, London W1J 8BT  
Tel 020 7091 6222

885 Third Avenue  
New York, NY 10022  
(212) 230-2424  
800 334-1343  
Fax (212) 838-1061

**BERNARD L. MADOFF**  
INVESTMENT SECURITIES LLC  
New York □ London

••DUPLICATES•• FOR ACCOUNT NTC & CO.  
ROBERT CLAPIN

PAGE  
4

PERIOD ENDING  
11/30/03

YOUR TAX PAYER IDENTIFICATION NUMBER  
\*\*\*\*\*

YOUR ACCOUNT NUMBER  
1-CM552-3-7

**REDACTED**

DATE	BOUGHT RECEIVED	SOLD DELIVERED	TRN	DESCRIPTION	PRICE OR SYMBOL	AMOUNT DEBITED TO YOUR ACCOUNT	AMOUNT CREDITED TO YOUR ACCOUNT
	165			GOOGLE	202.950		
	1,650			HEWLETT PACKARD CO	35.230		
	3,795			INTEL CORP	13.800		
	935			INTERNATIONAL BUSINESS MACHS	91.600		
	2,475			J.P. MORGAN CHASE & CO	31.660		
	1,815			JOHNSON & JOHNSON	58.530		
	770			MCDONALDS CORP	59.750		
	1,430			WEEKS & CO	26.720		
	5,225			MICROSOFT CORP	20.220		
	2,640			ORACLE CORPORATION	16.090		
	1,045			PEPSICO INC	56.700		
	4,455			DEIZER INC	16.430		
	1,375			PHILLIP MORRIS INTERNATIONAL	42.150		
	1,980			PROCTER & GAMBLE CO	64.350		
	1,100			QUALCOMM INC	33.570		
	925			SCHLUMBERGER LTD	50.740		
	22,769			FIDELITY SPARTAN	1		
	1,155			U S TREASURY MONEY MARKET	26.930		
	660			U S RANCORP	57.600		
	175,000			UNITED PARCEL SVC INC	99.071		
				CLASS A			
				U S TREASURY BILL			
				DUE 03/25/2009			
				3/26/2009			
				UNITED TECHNOLOGIES CORP	45.530		
				CONTINUED ON PAGE 5			

Affiliated with  
Maddoff Securities International Limited  
12 Berkeley Street  
Madison, London W1J 8DT  
Tel 020 7046222

885 Third Avenue  
New York, NY 10022  
(212) 230-2424  
800 334-1343  
Fax (212) 838-4061

**BERNARD L. MADOFF**  
INVESTMENT SECURITIES LLC  
New York NY London

\*\*DUPLICATE\*\* FOR ACCOUNT NTC & CO.  
ROBERT C LAPIN

PAGE  
1

PERIOD BEGINNING  
11/10/09

YOUR TAX PAYER IDENTIFICATION NUMBER  
00000000

YOUR ACCOUNT NUMBER  
1-04550-1-0

**REDACTED**

DATE	BOUGHT RECEIVED	SOLD DELIVERED	TRN	DESCRIPTION	PRICE OR SYMBOL	AMOUNT DEBITED TO YOUR ACCOUNT	AMOUNT CREDITED TO YOUR ACCOUNT
	1,870 1,430 2,310			VERIZON COMMUNICATIONS WAL-MART STORES INC WELLS FARGO & CO NEW MARKET VALUE OF SECURITIES LONG 2,670,923.20	10.650 55.830 38.870		

Affiliated with  
Maddoff Securities International Limited  
12 Berkeley Street  
Master London W1J 8BT  
Tel: 020 7493 6222

885 Third Avenue  
New York, NY 10022  
(212) 230-2424  
800 334-1343  
Fax (212) 838-4061

**BERNARD L. MADOFF**  
INVESTMENT SECURITIES LLC  
New York ☐ London

\*\*DUPLICATE\*\* FOR ACCOUNT NTC 5 02.  
ROBERT C LAPIN

PERIOD ENDING 11/30/01  
YOUR ACCOUNT NUMBER 1-04559-7-0  
YOUR TAX PAYER IDENTIFICATION NUMBER \*\*\*\*\*  
PAGE 2

**REDACTED**

DATE	BOUGHT RECEIVED	SOLD DELIVERED	TRN	DESCRIPTION	PRICE OR SYMBOL	AMOUNT DEBITED TO YOUR ACCOUNT	AMOUNT CREDITED TO YOUR ACCOUNT
				YEAR-TO-DATE SUMMARY DIVIDENDS GROSS PROCEEDS FROM SALES			17,323.78 14,672,000.17

**BERNARD L. MADOFF**  
INVESTMENT SECURITIES LLC  
New York ☐ London

REDACTED

YOUR ACCOUNT NUMBER 1-CMS19-4-0	PERIOD ENDING 11/30/93	PAGE 1
YOUR TAX PAYER IDENTIFICATION NUMBER *****		

[illegible]

## **INVESTMENT DOCUMENTS**

**Individual Retirement Account Statement**  
**January 1, 1999 - March 31, 1999**

ROBERT C. LAPIN

BERNARD L. MADOFF INVT. SEC.  
BERNARD L. MADOFF  
885 THIRD AVENUE  
NEW YORK NY 10022-4834

**REDACTED**

Retirement Account Number: [REDACTED]

Trustee Tax ID# [REDACTED]

SSN# [REDACTED]

**ACCOUNT SUMMARY**

**ACCOUNT VALUE**

Current Period

Additional Investments \$611,258.66  
Total Account Value \$611,258.66

Prior Period

Total Account Value \$0.00

**CONTRIBUTION AND  
DISTRIBUTION SUMMARY**

Rollovers

Current Tax Year \$0.00

Distributions

Current Tax Year \$0.00

Contributions

Current Tax Year (1999) \$0.00

Prior Tax Year (1998) \$0.00

Employer Contributions

Received Current Year \$0.00

**ACCOUNT INVESTMENTS**

**ADDITIONAL INVESTMENTS**

Description	Account Number	Shares	Price Per Share	Total Value
BERNARD L MADOFF BRKG ACCT VALUE		611,258.6600	1.0000	611,258.66
Total Value of Additional Investments				\$611,258.66
TOTAL ACCOUNT VALUE				\$611,258.66

See Page 2 of this  
statement for contribution of \$159,594  
Page 1 of 2  
on 11/6/2000

Individual Retirement Account Statement  
October 1, 2000 - December 31, 2000

ROBERT C. LAPIN

CLIENT DESIGNATED REPRESENTATIVE:  
BERNARD L MADOFF  
BERNARD L MADOFF INV SECS  
885 THIRD AVE  
NEW YORK NY 10022-0000

**REDACTED**

Participant Name: ROBERT C. LAPIN  
Retirement Account Number: [REDACTED]

Trustee Tax ID#:

SSN:

**ACCOUNT SUMMARY**

**REPORTED ACCOUNT VALUE**

<u>Current Period</u>	
Brokerage Accounts	\$999,123.44
* Cash	18.10
Account Value Subtotal	\$999,141.54
Total Account Value	\$999,141.54
<u>Prior Period</u>	
Total Account Value	\$821,272.80

**CONTRIBUTION AND  
DISTRIBUTION SUMMARY**

<u>Rollovers</u>	
Current Tax Year	\$0.00
<u>Contributions</u>	
Current Tax Year (2000)	\$0.00
Prior Tax Year (1999)	\$0.00
<u>Employer Contributions</u>	
Received Current Year	\$0.00
<u>Roth Conversion</u>	
Current Tax Year	\$0.00
<u>Distributions</u>	
Current Tax Year	\$0.00

\* Only cash on deposit with the Trustee is FDIC Insured. No other investments are FDIC insured through the Trustee.

**IMPORTANT ACCOUNT INFORMATION**

Please be sure to review the reverse side of this statement for more important account information and retain this statement for your records. Report any discrepancies to us immediately.

As required by law, the fair market value reported on this statement will be furnished to the Internal Revenue Service on IRS Form 5498.



REDACTED

Page 2 of 2

## ACCOUNT INVESTMENTS

### BROKERAGE ACCOUNTS

<u>Description/Account Number</u>	<u>Previous Reported Value</u>	<u>Current Reported Value</u>
BERNARD L MADOFF BRKG ACCT VALUE CM559	821,272.80	999,123.44
<b>Total Value of Brokerage Accounts</b>		<b>\$999,123.44</b>

### CASH

<u>Description</u>	<u>Interest Rate</u>	<u>Annual Percentage Yield</u>	<u>Previous Reported Value</u>	<u>Current Reported Value</u>
PEAK MONEY MARKET	1.8800	1.90	N/A	18.10
<b>Total Value of Cash</b>				<b>\$18.10</b>
<b>TOTAL ACCOUNT VALUE</b>				<b>\$999,141.54</b>

## ACCOUNT TRANSACTIONS

<u>Transaction Date</u>	<u>Transaction</u>	<u>Transaction Description</u>	<u>Transaction Shares</u>	<u>Transaction Amount</u>
10/30/2000	TRANSFER OF CASH IN	AMERICAN ENTERPRISE INVTMNT SERVICES /AMERICAN EXPRESS		159,593.56
11/06/2000	PURCHASE	BERNARD L MADOFF BRKG ACCT VALUE		-159,558.56
12/01/2000	INTEREST	As of 11/30/2000		41.10
12/20/2000	FEE COLLECTION			-58.00



**BERNARD L. MADOFF**  
Investment Securities LLC  
New York ☐ London

885 Third Avenue  
New York, NY 10022  
212 230-2424  
P&S Dept. 212 230-2436  
800 334-1343  
Fax 212 838-4061

WE HAVE THIS DAY CREDITED YOUR  
ACCOUNT WITH THE FOLLOWING:

6/11/01

CHECK

132,896.35

CLIENT'S ACCOUNT NUMBER

RETIREMENT ACCTS INC CUST IRA  
FBO ROBERT C LAPIN

1-CM559-3

**REDACTED**



**BERNARD L. MADOFF**  
INVESTMENT SECURITIES LLC  
New York ☐ London

885 Third Avenue  
New York, NY 10022  
212 250-2424  
P&S Dept. 212 230-2436  
800 334-1343  
Fax 212 838-4061

WE HAVE THIS DAY **CREDITED YOUR**  
ACCOUNT WITH THE FOLLOWING

8/13/01

CHECK

37.08

CLIENT'S ACCOUNT NUMBER

RETIREMENT ACCTS INC CUST IRA  
FBO ROBERT C LAPIN

1-CM559-3

**REDACTED**



**BERNARD L. MADOFF**  
INVESTMENT SECURITIES LLC  
New York ☐ London

WE HAVE THIS DAY **CREDITED YOUR**  
ACCOUNT WITH THE FOLLOWING

885 Third Avenue  
New York, NY 10022  
212 230-2424  
P&S Dept. 212 230-2436  
800 334-1343  
Fax 212 838-4061

8/05/03

CHECK

4,441.18

CLIENT'S ACCOUNT NUMBER

RETIREMENT ACCTS INC CUST IRA  
FBO ROBERT C LAPIN

1-CM559-3

**REDACTED**

01/20/2005 06:42 5613693998

HUNTERS RUN POA

PAGE 01

**facsimile transmittal**

**Robert C. Lapin**

Tel:

• Fax:

To: Retirement Accounts Inc.  
Customer Service Dept.

Date: January 20, 2005

Fax No. 303-294-5899

Pages: 1

Subject: IRA of Robert C. Lapin

**REDACTED**

Ladies and Gentlemen:

RE: Account # [REDACTED] IRA of Robert C. Lapin

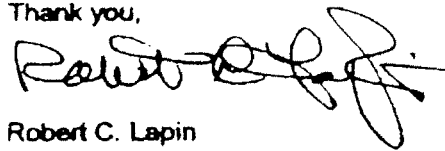
I have instructed [REDACTED] to wire into my account at Retirement Accounts Inc., the funds from the liquidation of the Radix Sterling Fund.

Upon receipt, kindly wire the funds to:

The Chase Manhattan Bank  
40 Wall Street  
New York NY 10015  
ABA# 021 000 021  
For further credit to:  
Bernard L. Madoff Investment Securities  
Account # 140 081 703  
For the benefit of Robert C. Lapin, IRA  
Account # 1-CM559-3-0

#112,300-58 ✓

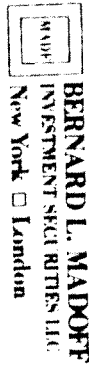
Thank you,



Robert C. Lapin

ENTRY DATE 01/24/05  
NAME LAPIN, Robert C  
ACCOUNT # [REDACTED]  
CUSIP # CASH  
AMOUNT \$ 100  
ENTERED BY Chris Rains





WE HAVE THIS DAY CREDITED YOUR  
ACCOUNT WITH THE FOLLOWING:

CHECK WIRE

112,377.58

CLIENT'S ACCOUNT NUMBER

ROBERT C LAPIN

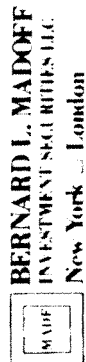
1-CM559-3

\*\*DUPLICATE\*\* ACCT OF  
RETIREMENT ACCTS INC CUST IRA

REDACTED

2/01/05

885 Third Avenue  
New York, NY 10022  
212 230-2424  
P&S Dept. 212 230-2436  
800 334-1343  
Fax 212 838-4061



**BERNARD L. MADOFF**  
INVESTMENT SECURITIES LLC  
New York London

885 Third Avenue  
New York, NY 10022  
(212) 230-2424  
800.334.1343  
FAX 212.688.4061  
DUPLICATE FOR ACCOUNT RETIREMENT ACCTS INC 212.688.4061  
ROBERT C LAPIN

Madoff Securities International Limited  
12 Boulevard des Capucines  
1001 Lausanne, Switzerland  
Tel: 0041 21 311 11 11

PERIOD ENDING  
2/28/05

PAGE  
1

YOUR ACCOUNT NUMBER  
2-CM559-3-0

YOUR TAX PAYER IDENTIFICATION NUMBER  
[REDACTED]

**REDACTED**

DATE	BOUGHT RECEIVED	SOLD DELIVERED	TRN	DESCRIPTION	PRICE OR SYMBOL	AMOUNT DEBITED TO YOUR ACCOUNT	AMOUNT CREDITED TO YOUR ACCOUNT
2/01				BALANCE FORWARD		1,215.54	
2/01	100,000		22758	CHECK WIRE U S TREASURY BILL DUE 4/21/2005	CA 99.473	99,473.00	112,377.58
2/02	12,905		22789	FIDELITY SPARTAN U S TREASURY MONEY MARKET	1	12,905.00	
2/19		352	42324	MERRILL LYNCH & CO INC	60.530		21,306.54
2/19		736	46600	U S BANCORP	30.290		22,293.44
2/19	25,000		54865	U S TREASURY BILL DUE 4/21/2005	99.580	24,895.00	
2/19				FIDELITY SPARTAN U S TREASURY MONEY MARKET	DIV		30.13
2/19		34,736	50977	DIV 02/19/05			34,786.00
2/19	9,428		57485	FIDELITY SPARTAN U S TREASURY MONEY MARKET	1	9,428.00	
2/25				FIDELITY SPARTAN U S TREASURY MONEY MARKET	1		857.34
2/25				CIT GROUP INC	DIV		56.32
2/28				DIV 2/27/05 2/23/05			
2/28				MERRILL LYNCH & CO INC	DIV		
2/28				DIV 2/04/05 2/29/05			
2/28	743		67139	FIDELITY SPARTAN U S TREASURY MONEY MARKET	1	943.00	
2/28				CONTINUED ON PAGE 2			

5/9/05 F0910 11.05.000



**BERNARD L. MADOFF**  
INVESTMENT SECURITIES LLC  
New York ☐ London

WE HAVE THIS DAY  
ACCOUNT WITH THE FOLLOWING

CREDITED YOUR  
CHECK WIRE

885 Third Avenue  
New York, NY 10022  
212 230-2424  
P&S Dept. 212 230-2436  
800 334-1343  
Fax 212 838-4061

5/05/05

4,273.47

CLIENT'S ACCOUNT NUMBER

RETIREMENT ACCTS INC CUST IRA  
FBO ROBERT C LAPIN

1-CM559-3

REDACTED

*From Bob's starting fund.*



Affiliated with  
Maddoff Securities International Limited  
12 Berkeley Street  
London W1J 8DT  
Tel 020 7105 0222

885 Third Avenue  
New York, NY 10022  
(212) 230-2121  
R001331-1313

**BERNARD L. MADDOFF**  
INVESTMENT SECURITIES LLC  
New York & London

DUPLICATE FOR ACCOUNT RETIREMENT ACCT # 42124844 1994  
ROBERT C LAPIN

PERIOD ENDING  
5/31/05

PAGE  
1

YOUR ACCOUNT NUMBER  
1-CME59-3-0

YOUR TAX PAYER IDENTIFICATION NUMBER  
[REDACTED]

**REDACTED**

DATE	BOUGHT RECEIVED	SOLD DELIVERED	TIN	DESCRIPTION	PRICE OR SYMBOL	AMOUNT DEBITED TO YOUR ACCOUNT	AMOUNT CREDITED TO YOUR ACCOUNT
5/05	4,273		22089	BALANCE FORWARD			18,688.15
5/05				CHECK WIRE	CA	4,273.73	4,273.73
5/05				CXL CES	CA		
5/05				CHECK WIRE	CA	4,273.00	4,273.00
5/23				ETHELIV SPARTAN	1		
5/23				U S TREASURY MONEY MARKET		141,855.48	
5/23				EXXON MOBIL CORP	53.490	53,152.98	
5/23				J.P. MORGAN CHASE & CO	15.530	42,335.44	
5/23				Coca Cola CO	44.470	26,637.30	
5/23				METROTRONIC INC	52.230	26,200.40	
5/23				3M COMPANY	77.060	58,582.69	
5/23				ALTRIA GROUP INC	66.270	30,229.74	
5/23				MERCK & CO	37.930	108,332.50	
5/23				MICROSOFT CORP	25.490	23,133.60	
5/23				MORGAN STANLEY	48.600	57,903.36	
5/23				AMERICAN INTL GROUP INC	53.220	31,789.30	
5/23				AMGEN INC	62.330	23,228.80	
5/23				ORACLE CORPORATION	12.200	26,968.80	
5/23				AMERICAN EXPRESS COMPANY	52.880	40,255.32	
5/23				PEPSICO INC	56.380	78,659.00	
5/23				BANK OF AMERICA	46.270	88,240.88	
5/23				PFIZER INC	28.210	104,687.70	
5/23				CITI GROUP INC	47.370	58,707.80	
5/23				ROBERT C LAPIN	FF.700		
5/23				CONTINUED ON PAGE 2			

## **TRANSFER DOCUMENTS**



View Your Account Online!  
www.fiserviss-iaservices.com

**Corrected Statement**

**Traditional IRA**  
**October 1, 2005 - December 31, 2005**

Page 1 of 3

>00079 4388661 001 008145  
ROBERT C. LAPIN

**FINANCIAL REPRESENTATIVE**  
BERNARD L MADOFF  
BERNARD L MADOFF INV SECS  
885 THIRD AVE  
NEW YORK NY 10022-0000  
212-230-2426

**REDACTED**

**Account Name:** ROBERT C. LAPIN  
**Account Number:** [REDACTED]

**Contact:** IA SERVICES TEAM H

**ACCOUNT SUMMARY**

**REPORTED ACCOUNT VALUE**

<u>Current Period</u>	
Brokerage Accounts	\$2,010,709.87
*Cash	\$0.00
Non-Standard Assets	\$0.00
<b>Total Account Value</b>	<b>\$2,010,709.87</b>

<u>Prior Period</u>	
<b>Total Account Value</b>	<b>\$2,052,281.21</b>

**CONTRIBUTION AND DISTRIBUTION SUMMARY**

<u>Rollovers</u>	
Current Tax Year	\$0.00

<u>Contributions</u>	
Current Tax Year (2005)	\$0.00
Prior Tax Year (2004)	\$0.00

<u>Employer Contributions</u>	
Received Current Year	\$0.00

<u>Distributions</u>	
**Current Tax Year (2005)	<b>\$84,119.75</b>
Current Tax Year Withholding (2005)	\$0.00
**Prior Tax Year (2004)	\$76,679.00
Prior Tax Year Withholding (2004)	\$0.00

\*Only cash on deposit with the Trustee is FDIC insured. No other investments are FDIC insured through the Trustee.

\*\* May include distributions that do not apply toward your required minimum distribution.

**IMPORTANT ACCOUNT INFORMATION**

Please review the last page of your statement for more important account information and retain this statement for your records. Report any discrepancies to us immediately.

As required by law, the fair market value reported on this statement will be furnished to the Internal Revenue Service on IRS Form 5498, if the account is an IRA, SEP, Simple, or Roth account.

Our records indicate that you are age 70½ or older or that you will attain age 70½ in 2006. According to IRS regulations, you are subject to required minimum distributions unless special exceptions apply. Please refer to the article in the January edition of 'Spotlight' for more information.

717 17th Street, Ste. 1700, Denver, CO 80202-3331 PO Box 173859, Denver, CO 80217-3859 800-962-4238

Fiserv Trust Company. Member FDIC.

Affiliated with  
Madoff Securities International Limited  
12 Berkeley Street  
Manhasset Neck, N.Y. 11030  
Tel: 212 713 6222

865 Third Avenue  
New York, NY 10022  
(212) 230-2424  
(800) 334-1343

**BERNARD L. MADOFF**  
INVESTMENT SECURITIES LLC  
New York ☐ London

DUPLICATE\*\* FOR ACCOUNT RETIREMENT ACCT# 42121834-1064  
ROBERT C LAPIN

YOUR ACCOUNT NUMBER  
1-212-230-2424

PERIOD ENDING  
12/31/05

PAGE  
1

YOUR EFT/ATE DEBIT/ACREDIT FOR NUMBER

**REDACTED**

DATE	BOUGHT RECEIVED	SOLD DELIVERED	TRN	DESCRIPTION	PRICE OR SYMBOL	AMOUNT DEBITED TO YOUR ACCOUNT	AMOUNT CREDITED TO YOUR ACCOUNT
12/01				BALANCE FORWARD			19,433.07
12/01				INTEL CORP	DIV		227.70
12/01				DIV 11/07/05 12/01/05	DIV		404.00
12/06				WELLS FARGO & CO NEW	DIV		550.00
12/06				DIV 11/04/05 12/01/05	DIV		143.00
12/09				PETZER INC	DIV		357.00
12/09				DIV 11/11/05 12/06/05	DIV		487.00
12/09				CHECK			243.00
12/09				MICROSOFT CORP	DIV		467.00
12/12				DIV 11/17/05 12/09/05	DIV		34,305.00
12/12				EXXON MOBIL CORP	DIV		99.00
12/12				DIV 11/10/05 12/09/05	DIV		
12/12				CHEVRON CORP	DIV		
12/12				DIV 11/18/05 12/12/05	DIV		
12/12				INTERNATIONAL BUSINESS MACHS	DIV		
12/12				DIV 11/07/05 12/10/05	DIV		
12/13				JOHNSON & JOHNSON	DIV		
12/13				DIV 11/22/05 12/13/05	DIV		
12/13				J.P. MORGAN CHASE & CO	DIV		
12/13				J.P. MORGAN CHASE & CO	DIV		
12/15				COCA COLA CO	DIV		
12/15				DIV 12/01/05 12/15/05	DIV		
12/15				HOME DEPOT INC	DIV		
12/15				DIV 12/01/05 12/15/05	DIV		
12/15				CONTINUED ON PAGE 2			



View Your Account Online  
www.fiserviss-iaservices.com

Page 1 of 4

**Traditional IRA**  
**October 1, 2006 - December 31, 2006**

>07476 4762914 001 008145  
ROBERT C. LAPIN

**FINANCIAL REPRESENTATIVE**  
BERNARD L MADOFF  
BERNARD L MADOFF INV SECS  
885 THIRD AVE  
NEW YORK NY 10022-0000  
212-230-2424

**REDACTED**

**Account Name:** ROBERT C. LAPIN  
**Account Number:** [REDACTED]

**Contact:** IA SERVICES TEAM A

**ACCOUNT SUMMARY**

**REPORTED ACCOUNT VALUE**

<u>Current Period</u>	
Brokerage Accounts	\$2,189,997.08
*Cash	\$8.41
<b>Total Account Value</b>	<b>\$2,190,005.49</b>
<u>Prior Period</u>	
<b>Total Account Value</b>	<b>\$2,223,462.57</b>

**CONTRIBUTION AND DISTRIBUTION SUMMARY**

<u>Rollovers</u>	
Current Tax Year	\$0.00
<u>Contributions</u>	
Current Tax Year (2006)	\$0.00
Prior Tax Year (2005)	\$0.00
<u>Employer Contributions</u>	
Received Current Year	\$0.00
<u>Distributions</u>	
**Current Tax Year (2006)	\$91,385.90
Current Tax Year Withholding (2006)	\$0.00
**Prior Tax Year (2005)	\$84,119.75
Prior Tax Year Withholding (2005)	\$0.00

\* Fiserv Trust's FDIC insurance coverage applies only to deposits held in the Fiserv Trust Money Market, and to certificates of deposit issued by Fiserv Trust. No other investments are FDIC insured through Fiserv Trust.

\*\* May include distributions that do not apply toward your required minimum distribution.

**IMPORTANT ACCOUNT INFORMATION**

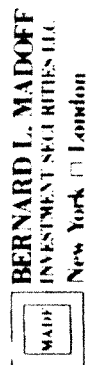
Please review the last page of your statement for more important account information and retain this statement for your records. Report any discrepancies to us immediately.

As required by law, the fair market value reported on this statement will be furnished to the Internal Revenue Service on IRS Form 5498, if the account is an IRA, SEP, Simple, or Roth account.

Our records indicate that you are age 70½ or older or that you will attain age 70½ in 2007. According to IRS regulations, you are subject to required minimum distributions unless special exceptions apply. Please refer to the article in the January edition of 'Spotlight' for more information.

717 17th Street, Ste. 1700, Denver, CO 80202-3331 PO Box 173859, Denver, CO 80217-3859 800-962-4238

Fiserv Trust Company. Member FDIC.



885 Third Avenue  
New York, NY 10022  
(212) 230-2121  
800 331-1313

DUPLICATE\*\* FOR ACCOUNT RETIREMENT ACC-  
ROBERT C LAPIN

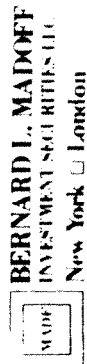
**REDACTED**

PERIOD ENDING  
11/30/06

YOUR ACCOUNT NUMBER  
1-04559-3-0

YOUR TAX PAYER IDENTIFICATION #  
\*\*\*\*\*

DATE	BOUGHT RECEIVED	SOLD DELIVERED	TRN	DESCRIPTION	PRICE OR SYMBOL	AMOUNT CREDITED TO YOUR ACCOUNT	AMOUNT DEBITED TO YOUR ACCOUNT
11/14 11/20				BALANCE FORWARD		70,525.72	
11/20		50,000	867	CHECK FIDELITY SPARTAN U S TREASURY MONEY MARKET DIV 11/20/06 U S TREASURY BILL DUE 02/01/2007	99.006	91,395.90	15,810.18
11/20		6,302	96502	FIDELITY SPARTAN U S TREASURY MONEY MARKET	1		49,503.00
11/21 11/21	6,544	1,224	11193 18090	VERITON COMMUNICATIONS FIDELITY SPARTAN U S TREASURY MONEY MARKET CITI GROUP INC	35.950 1		5,302.00
11/22				DIV 11/06/06 11/22/06 MERRILL LYNCH & CO INC	DIV	6,544.00	43,954.00
11/22				DIV 11/02/06 11/22/06	DIV		1,016.05
11/27				FIDELITY SPARTAN U S TREASURY MONEY MARKET DIV 11/27/06	DIV		21.00
11/27		6,544	22592	FIDELITY SPARTAN U S TREASURY MONEY MARKET	1		5.01
11/27	6,549		14756	FIDELITY SPARTAN U S TREASURY MONEY MARKET	1	6,544.00	6,044.00
CONTINUED ON PAGE 2							



**BERNARD L. MADOFF**  
INVESTMENT SECURITIES LLC  
New York London

885 Third Avenue  
New York, NY 10022  
(212) 230-2424  
800 334-1343

Affiliated with  
Madoff Securities International Limited  
12 Berkeley Street  
Massachusetts, London W1J 8DT  
Tel (20) 7493 0222

FOR ACCOUNT RETIREMENT ACCTS FUND 212 838-4061  
\*\*DUPLICATE\*\*  
ROBERT C LAPIN

**REDACTED**

PERIOD ENDING  
7/31/07

YOUR ACCOUNT NUMBER  
1-CM559-3-0

YOUR TAX PAYER IDENTIFICATION NUMBER  
\*\*\*\*\*

PAGE  
1

DATE	BOUGHT RECEIVED	SOLD DELIVERED	TRN	DESCRIPTION	PRICE OR SYMBOL	AMOUNT DEBITED TO YOUR ACCOUNT	AMOUNT CREDITED TO YOUR ACCOUNT
7/02				BALANCE FORWARD		24,452.54	
7/02				COCA COLA CO DIV 6/15/07 7/01/07	DIV		290.50 ✓
7/05				WFCR & CO DIV 6/08/07 7/02/07	DIV		338.58 ✓
7/06				HEWLETT PACKARD CO DIV 6/13/07 7/05/07	DIV		89.75 ✓
7/10				SCHLUMBERGER LTD DIV 6/06/07 7/06/07	DIV		86.63 ✓
7/20				ALTRIA GROUP INC DIV 6/15/07 7/10/07	DIV		592.02 ✓
7/22				CHECK FIDELITY SPARTAN U S TREASURY MONEY MARKET DIV 07/23/07	CH DIV	50,000.00 ✓	132.75 ✓
7/23		44,910	18831	FIDELITY SPARTAN U S TREASURY MONEY MARKET DIV 07/23/07	1		44,010.00 ✓
7/23		25,000	18892	U S TREASURY BILL DUE 8/9/2007	90.779		24,944.75 ✓
7/23	19,887		19034	8/09/2007 FIDELITY SPARTAN U S TREASURY MONEY MARKET GENERAL ELECTRIC CO DIV 6/25/07 7/25/07	1	19,887.00 ✓	1,201.20 ✓
7/25				CONTINUED ON PAGE 2			

Affiliated with  
Madoff Securities International Limited  
12 Berkeley Street  
London W1J 8UT  
Tel: (20) 7193 6222

885 Third Avenue  
New York, NY 10022  
(212) 230-2424  
800 334-1343  
Fax (212) 838-4061

**BERNARD L. MADOFF**  
INVESTMENT SECURITIES LLC  
New York ☐ London

\*\*DUPLICATE\*\* FOR ACCOUNT NTC & C.  
ROBERT C LAPIN

PERIOD ENDING  
12/31/07

YOUR TAX PAYER IDENTIFICATION NUMBER  
\*\*\*\*\*

YOUR ACCOUNT NUMBER  
1-CM55Q-3-0

PAGE  
1

**REDACTED**

DATE	BOUGHT RECEIVED	SOLD DELIVERED	TRN	DESCRIPTION	PRICE OR SYMBOL	AMOUNT CREDITED TO YOUR ACCOUNT	AMOUNT DEBITED TO YOUR ACCOUNT
12/10				BALANCE FORWARD		27,850.77	
12/10				CHRYSLER CORP	DIV	552.10	
12/10				DIV 11/16/07 12/10/07	DIV	143.44	
12/11				UNITED TECHNOLOGIES CORP	DIV	522.07	
12/11				DIV 11/16/07 12/10/07	DIV	339.00	
12/12				JOHNSON & JOHNSON	DIV	203.00	
12/12				DIV 11/27/07 12/11/07	DIV	122.00	
12/12				MICROSOFT CORP	DIV	122.00	
12/17				DIV 11/16/07 12/13/07	DIV	122.00	
12/17				COCA COLA CO	DIV	122.00	
12/17				DIV 12/01/07 12/16/07	DIV	122.00	
12/17				WACHOVIA CORP NEW	DIV	122.00	
12/17				DIV 11/30/07 12/17/07	DIV	122.00	
12/18				<b>CHECK</b> AMERICAN INTL GROUP INC	CM	53,333.12	
12/21				BOEING & GAMBLE CO	55.900		
12/21				BOEING CO	72.300		
12/21				SCHLUMBERGER LTD	97.310		
12/21				BANK OF AMERICA	91.270		
12/21				AT&T INC	40		
12/21				CITI GROUP INC	40.920		
12/21				UNITED PARCEL SVC INC	21.250		
12/21				CLASS B	72.250		
12/21				CONOCO PHILIPS	83.000		
12/21				CONTINUED ON PAGE 2			





View Your Account Online!  
www.fiserviss-laservices.com

Traditional IRA  
October 1, 2008 - December 31, 2008

Page 1 of 3

>03708 5666970 001 008145  
ROBERT C LAPIN

**REDACTED**

Account Name: ROBERT C LAPIN  
Account Number: [REDACTED]

Contact: CLIENT CONNECTION

**ACCOUNT SUMMARY**

**REPORTED ACCOUNT VALUE**

<u>Current Period</u>	
Brokerage Accounts	\$2,409,883.90
*Cash	\$0.00
<b>Total Account Value</b>	<b>\$2,409,883.90</b>
<u>Prior Period</u>	
Total Account Value	\$2,525,030.79

**CONTRIBUTION AND DISTRIBUTION SUMMARY**

<u>Rollovers</u>	
Current Tax Year	\$0.00
<u>Contributions</u>	
Current Tax Year (2008)	\$0.00
Prior Tax Year (2007)	\$0.00
<u>Employer Contributions</u>	
Current Tax Year (2008)	\$0.00
Prior Tax Year (2007)	\$0.00
<u>Distributions</u>	
**Current Tax Year (2008)	\$115,146.89
Current Tax Year Withholding (2008)	\$0.00
**Prior Tax Year (2007)	\$103,302.15
Prior Tax Year Withholding (2007)	\$0.00

\* FDIC insurance coverage applies only to deposits held in cash and to certificates of deposit issued by your trustee/custodian. No other investments are FDIC insured through this institution.

\*\* May include distributions that do not apply toward your required minimum distribution.

**IMPORTANT ACCOUNT INFORMATION**

Please review the last page of your statement for more important account information and retain this statement for your records. Report any discrepancies to us immediately.

As required by law, the fair market value reported on this statement will be furnished to the Internal Revenue Service on IRS Form 5498, if the account is an IRA, SEP, Simple, or Roth account.

717 17th Street, Ste. 1700, Denver, CO 80202-3331 • PO Box 173859, Denver, CO 80217-3859 • 800-962-4238

Trust and custodial services provided by Trust Industrial Bank, member FDIC.